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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,981	12/08/2000	Tatsu Inoue	Q62169	1757

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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07/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/731,981

Applicant(s)

INOUE, TATSU

Examiner

Christopher M. Lambrecht

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-11 and 14-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/6/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 8, 2007, has been entered.

Response to Arguments

2. Applicant's arguments filed January 8, 2007, have been fully considered but they are not persuasive. The amended claims fail to patentably distinguish over the prior art of record.

Independent claims 1, 11, and 25 stand rejected over the combined teachings of U.S. Patent Nos. 5,940,073 (Klosterman) and 6,732,372 (Tomita). As amended, these claims include subject matter directed to a program guide that "extracts the program information within a fixed time range from a starting time to an ending time both fixed in advance . . . , and displays the program information from the fixed starting time" (see, e.g., Applicant's claim 1, lines 18-21). In the previous Office action (mailed Sept. 8, 2006), Tomita was asserted as teaching a program guide that extracts program information within a time band having a fixed time range from a starting time to an

ending time both fixed in advance. Applicant argues that “Tomita only discloses that a time range is predetermined, and a program table is extracted in accordance with the predetermined time range[,]” not “displaying the program information from a ‘fixed starting time[.]’” (Applicant’s reply, 13.)

Applicant’s argument appears to deny that Tomita teaches either a fixed starting time or displaying program information from the starting time. Contrary to Applicant’s position, however, Tomita teaches not only that the starting time of the predetermined time range is fixed, but also that the extracted program information is displayed from the fixed starting time.

Specifically, Tomita teaches a program guide that displays program information customized according to a user profile, which specifies user-selected categories of program information to be included in the customized display. (See Tomita, col.9 ll.8-20.) These categories include a customized time slot, which enables the user to select, for inclusion in the customized display, program information within a specified time range. (See *id.*, col.11 ll.8-20.) The time range is defined by a starting time and an ending time, both set by the user, and, maintained in his or her profile. (See *id.*, col.9 ll.40-55, col.13 ll.52-65.)

The starting time taught by Tomita is fixed because, once set, its value persists, notwithstanding modification by the user. Further, Tomita’s program guide displays the program information from the specified time range and thus displays at least the program information from the starting time. As noted above, this starting time is fixed.

Accordingly, Tomita teaches a program guide that “displays the program information from the fixed starting time” as claimed.

Independent claims 5, 15, and 26 stand rejected over the combined teachings of Klosterman and U.S. Patent No. 5,585,838 (Lawler). As amended, these claims include subject matter directed to displaying program guide wherein, if the program of a selected program cell “exceeds the predetermined display time range of the program table presently displayed and continues,” the program table is displayed within a changed display time range by changing the predetermined display time range “in such a manner that a start time of the selected program cell is positioned within a unit time at a lead of a display time band of the program table” (see, e.g., Applicant’s claim 5, lines 12-17). In the previous Office action, Lawler was asserted as teaching displaying a program guide wherein, if the program of a selected program cell exceeds the predetermined display time range of the program table, the display time range of the program table is changed in such a manner that the start time of the selected program cell is positioned within a leading time display time band. Applicant argues that Lawler does not disclose “the start time of the selected program cell being positioned within a unit time at a lead of a display time band of the program table[.]” (Applicant’s reply, 15.) The Examiner disagrees.

Lawler discloses a program guide that displays a program table having a predetermined display time range (represented on time panel 82) and a program cell of a program that exceeds the time range of the program table and continues (e.g., program availability extends beyond the time range of the table, or occupying a partial column;

see Lawler, fig.3, col.9 ll.7-26). If this cell is selected, the display time range of the program table is changed in such a manner that the selected start time of the selected cell is scrolled into a position “within a unit time at a lead of a display time band of the program table,” i.e., within a column-duration at a first column of a time band spanning the “roam area” of the program table (see *id.*, col.11 ll.11-20, col.11 l.60 – col. 12 l.3.) Accordingly, Lawler teaches this feature within in the meaning of the amended claims.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 11, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,940,073 (Klosterman) in view of U.S. Patent No. 6,732,372 (Tomita).

Regarding claims 1, 11, and 25, Klosterman discloses an apparatus and corresponding method for displaying a program table (program information, col. 4, ll. 63-64), in which a plurality of program information are displayed in a 2-dimension of a time axis and a channel axis (col. 5, ll. 2-25), said apparatus comprising: a program information obtaining device (set-top box 138, fig. 1, col. 4, ll. 48-56 and 63-64) for obtaining the program information including information indicative of a program name (e.g., “The Waltons”, see fig. 4(a)), a start time (e.g., 8:00, fig. 4(a)), a length of a program or an end time (e.g., 8:30, fig. 4(a)), a broadcasting channel (e.g., “FAM”, fig.

4(a)) and a broadcasting date (e.g., "OCT 30", fig. 4(a)) of respective one of a plurality of programs; a date setting device for setting a date of the program table to be displayed (cursor in region 410, fig. 4(a), col. 8, ll. 1-6); and a displaying device (software applications, col. 5, ll. 2-6) for extracting the program information corresponding to the date set by said date setting device (410, fig. 4(a)) from among the program information obtained by said program information obtaining device (138, fig. 1), displaying the extracted program information as the program table corresponding to the date set by said date setting device (col. 8, ll. 1-5) and, if the date of the program table is changed by said date setting device, displaying the extracted program information as the program table corresponding to the changed date (i.e., if the cursor in region 410 is set to Wednesday, the schedule information displayed is for Wednesday, col. 8, ll. 2-5) with a display time band set in advance (time band displayed is automatically set to the current time, col. 8, ll. 6-9), wherein said displaying device extracts the program information within a time range including the program which is most recently received (wherein the system automatically sets the display time range to the current time (which is inherently incident with, i.e., includes, the program which is most recently received) when moving the cursor across different days of the week, which includes the present day, col. 8, ll. 2-9) and within a display channel range including the channel of the program which is most recently received (where each program displayed in the channel range shown in fig. 4(a) is most recently received (i.e., being received as of 8:05pm)) if the date set by said setting device is the present day (col. 8, ll. 2-9), said displaying device extracts and displays the

program information within said display time band having a predetermined time range from a starting time to an ending time both set in advance, (time band displayed is automatically set to the current time, col. 8, ll. 6-9, when moving across different days of the week, col. 8, ll. 2-9) and within a display channel range including the channel of the program which is most recently received (where each program displayed in the channel range shown in fig. 4(a) is most recently received (i.e., being received as of 8:05pm)), if the date set by said setting device is not the present day (col. 8, ll. 2-9).

Klosterman fails to disclose the predetermined time range has fixed starting and ending times. However, in an analogous art, Tomita discloses a program guide displaying system wherein a displaying device extracts the program information within a time band having a fixed time range from a starting time to an ending time both fixed in advance and displays the program information from the fixed starting time, if the date set by the date setting is not the present day (col. 12, ll. 34-62, where the "original time" is a user-specified time range set in advance via profile management screen, col. 9, ll. 15-20, col. 11, ll. 1-19), thereby enabling the user to customize the operation of the program guide. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klosterman to extract program listings within a predetermined time range having fixed starting and ending times and display the program information from the fixed starting time, as taught by Tomita, for the benefit of providing the user a customized program guide.

Regarding claims 21 and 23, Klosterman and Tomita together disclose the program guide displaying apparatus and method according to claims 1 and 11. In addition, Klosterman discloses a time range setting device which sets said time range in accordance with a user's instructions (cursor in region 410, fig. 4(a), col. 8, ll. 1-6, where moving between different days of the week constitutes setting a time range, e.g., a user may transition from a time range corresponding to Wednesday, 4-5PM to Thursday, 4-5PM).

Regarding claims 22 and 24, Klosterman and Tomita together disclose the program guide displaying apparatus and method according to claims 1 and 11. Klosterman further discloses that said displaying device starts displaying the extracted program information as the program table in accordance with a user's instruction (col. 8, ll. 1-9), and said date setting device sets an initial date of the program table at a present day if said displaying device displays the extracted program information in accordance with the user's instruction (where the user selects the present day), and sets the date of the program table at a designated date if said setting device changes the date of the program table in accordance with the user's instruction to designate the date of the program table (where the user selects a different day of the week, col. 8, ll. 1-9).

5. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Tomita, as applied to claims 1 and 11 above, and further in view of U.S. Patent No. 5,621,456 (Florin).

As to claims 4 and 14, Klosterman and Tomita together disclose a program guide displaying apparatus and method according to claims 1 and 11, but fail to disclose if the date of the program table is changed by said date setting device, said displaying device displays the program table with a display channel range displayed before the date of the program table is changed. However, in an analogous art, Florin discloses that if the date of the program table (180, figs. 16 and 17) is changed by said date setting device, said displaying device displays the program table (180) with a display channel range displayed before the date of the program table is changed (i.e., the date has been changed from Thursday 10/15 as shown in fig. 16 to Saturday 10/17 in fig. 17, col. 16, ll. 37-44, and the channel range displayed in fig. 17 is the same as the channel range displayed in fig. 16), for the purpose of enabling the viewer to observe scheduling content on a particular channel without having to adjust the channel range each time the date of the displayed program table is changed. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify further modify the system of Klosterman to include if the date of the program table is changed by said date setting device, said displaying device displays the program table with a display channel range displayed before the date of the program table is changed, as additionally by Florin, for

the purpose of enabling the viewer to observe scheduling content on a particular channel without having to adjust the channel range each time the date of the displayed program table is changed in a program guide displaying system.

6. Claims 5, 6, 8-10, 15, 16, 18-20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of in view of U.S. Patent No. 5,585,838 (Lawler).

With regard to claims 5, 15, and 26, Klosterman discloses an apparatus and corresponding method for displaying a program table (program information, col. 4, ll. 63-64), in which a plurality of program information are displayed in a 2-dimension of a time axis and a channel axis (col. 5, ll. 2-25), said apparatus comprising: a program information obtaining device (set-top box 138, fig. 1, col. 4, ll. 48-56 and 63-64) for obtaining the program information including information indicative of a program name (e.g., "The Waltons", see fig. 4(a)), a start time (e.g., 8:00, fig. 4(a)), a length of a program or an end time (e.g., 8:30, fig. 4(a)), a broadcasting channel (e.g., "FAM", fig. 4(a)) and a broadcasting date (e.g., "OCT 30", fig. 4(a)) of respective one of a plurality of programs; a displaying device (software applications, col. 5, ll. 2-6) for displaying the obtained program information as the program table including a plurality of program cells (see program cells, fig. 4(a)) as for a predetermined display time range (i.e., 8:00PM – 9:00PM, fig. 4(a)) and a predetermined display channel range (i.e., NBC, KGO, SHOW, HBO, DISN, ESPN, FAM, KRON, KPIX, fig. 4(a)); and a program cell selecting device

Art Unit: 2623

(cursor with cursor control enabled by the user) for selecting of the program cells within the displayed program table (col. 7, ln. 45-50 & 8, ll. 6-9).

Klosterman fails to explicitly disclose that, if the program of the program cell selected by said program cell selecting device, from the program table presently displayed by said displaying device, is a program which exceeds the predetermined display time range of the program table presently displayed, said displaying device changes the predetermined time range, and displays the program table in such a manner that a start time of the selected program cell is positioned within a unit time at a lead of a display time band of the program table. However, in an analogous art, Lawler discloses a program guide displaying system wherein, if the program of the program cell selected by said program cell selecting device, from the program table presently displayed by said displaying device, is a program which exceeds the predetermined display time range of the program table presently displayed and continues (see e.g., fig.3, col.9 ll.7-26), said displaying device changes the predetermined time range, and displays the program table in such a manner that the start time of the selected program cell is positioned within a unit time at a lead of a display time band of the program table (within a first column of a display time band that spans the roam area of the program table (col.11 ll.11-20, col.11 l.60 – col. 12 l.3), thereby revealing additional program information and removing undesired program information from the guide as desired by the user (col. 11, l. 61 - col. 12, l. 12, col. 9, ll. 28-40). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to include that if the

program of the program cell selected by said program cell selecting device, from the program table presently displayed by said displaying device, is a program which exceeds the predetermined display time range of the program table presently displayed and continues, said displaying device changes the predetermined time range, and displays the program table in such a manner that the start time of the selected program cell is positioned within a unit time at a lead of a display time band of the program table, as taught by Lawler, for the benefit of providing the user with intuitive navigational control.

As for claims 6 and 16, Klosterman and Lawler together disclose a program guide displaying apparatus and corresponding method according to claims 5 and 15, further comprising a date setting device for setting a date of the program table to be displayed (Klosterman, fig. 4(a), 410, col. 8, ll. 2-6), wherein said displaying device extracts the program information corresponding to the date set by said date setting device from among the program information obtained by said program information obtaining device and displays the extracted program information as the program table (i.e., where the day of week selector is set to Wednesday, schedule information for Wednesday is displayed, Klosterman, col. 8, ll. 4-9).

As for claims 8 and 18, Klosterman and Lawler together disclose a program guide displaying apparatus according to claim 5, wherein said displaying said displaying device displays a cursor on the selected program cell (Klosterman, col. 8, ll. 1-9).

As for claims 9 and 19, Klosterman and Lawler together disclose a program guide displaying apparatus according to claim 5, wherein, if the program cell is changed by said

Art Unit: 2623

program cell selecting device, said displaying device displays the program table with the display channel range same as before the cell is changed (Lawler, col. 11, ll. 21-36, i.e., navigating the program cell selecting device up or down in the display causes the program cell to move up or down one program, and the display channel range remains the same where the user has not navigated the cursor beyond the top or bottom of the program table).

As for claims 10 and 20, Klosterman and Lawler together disclose a program guide displaying apparatus according to claim 5, wherein, if the program cell is changed by said program cell selecting device, said displaying device displays the program table in which the channel of the changed and selected program cell is set as a leading display channel (Lawler, col. 11, l. 61 - col. 12, l. 3).

7. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Lawler as applied to claim 5 above, and further in view of U.S. Patent No. 6,230,323 to Hama et al. (Hama).

With regard to claims 7 and 17, Klosterman and Lawler together disclose a program guide displaying apparatus and corresponding method according to claims 5 and 15 further comprising a range setting device for setting the display time range (Klosterman, fig. 4(a), 410) wherein said displaying device extracts the program information within the display time range and displays the extracted program information

as the program table (400, fig. 4(a)) (Klosterman, col. 8, ll. 1-9). However, Klosterman and Knowles fail to explicitly disclose a display channel range setting device.

In an analogous art, Hama discloses a range setting device (display channel setting) for setting the display channel range, wherein said displaying device extracts the program information within the display channel range set by said range setting device from among the program information obtained by said program information obtaining device and displays the extracted program information as the program table (col. 9, ll. 32-46), for the purpose of enabling the user to restrict the displayed program range to favorite channels (col. 9, ll. 40-42).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klosterman and Lawler to include range setting device for setting the display channel range, wherein said displaying device extracts the program information within the display channel range set by said range setting device from among the program information obtained by said program information obtaining device and displays the extracted program information as the program table, as taught by Hama, for the purpose of enabling the user to restrict the displayed program range to favorite channels in a program guide displaying system.

Conclusion

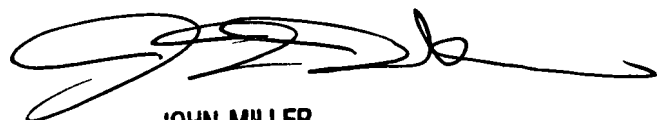
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Lambrecht
Examiner
Art Unit 2623

/CL/



JOHN MILLER
SUPERVISORY PATENT EXAMINER
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